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Jeff S. Eder

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EXAMINER

LIVERSEDGE, JENNIFER L

ART UNIT

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3692

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/940,450	<b>Applicant(s)</b> EDER, JEFF S.	
	<b>Examiner</b> JENNIFER LIVERSEDGE	<b>Art Unit</b> 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 34-52,62-64,68-70,90,91 and 134-167 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-52,62-64,68-70,90,91 and 134-167 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/17/2008, 11/14/2008</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

An attempt to reach B.J. Bennett, the agent authorized to act on behalf of the assignee, was made by telephone on Feb. 9, 2009. However, the phone number listed in the latest correspondence with such information was no longer in operation. Examiner was attempting to communicate with the applicant in order to advance prosecution of the case through a discussion of the claims, the amendments, and the rejection enclosed herein before this office action has been finalized.

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 09/940,450 filed 12/11/2008 and a supplemental amendment filed 12/13/2008.

The amendment contains previously presented claims: 36, 38-40, 42-43, 46, 48, 5-52, 63, 68-70, 90-91, 134, 137-140, 142, 144, 146-149, 151-154, 156-158, 160-163 and 165-167.

The amendment contains amended claims: 34-35, 37, 41, 44-45, 47, 49, 62, 64, 135, 136, 141, 143, 145, 150, 155, 159 and 164.

Claims 1-33, 53-61, 65-67, 71-89 and 92-133 have been canceled.

### ***Information Disclosure Statement***

The information disclosure statements (IDS's) submitted on 10/17/2008 and 11/14/2008 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner. However,

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examiner notes that the Declarations Under Rule 132 have been crosses out on the IDS because they do not represent Non Patent Literature Documents. However, the Declarations were considered as part of the amendment and remarks submitted, and are entered in the system under the Declarations Under Rule 132 title and designation.

### ***Claim Objections***

Claim 155 is objected to because of the following informalities: it is believed that line 5 is intended to read "...in accordance *with* xml..." rather that "in accordance xml". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 34, 44, 62, 135, 136, 141, 145, 150, 155, 159, 164 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims recite new matter with respect to "an integrated database" and with respect to the limitation "output said database". Neither of the terms are found within the specification and therefore are improper to use within the claim limitations.

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Each claim limitation needs to be supported by a particular section in the specification in order to comply with the written description requirement.

Claims 34, 44, 135, 141, 159, 164 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim recites new matter with respect to “a physical object” and “a physical object or substance”. The term(s) are not found within the specification and therefore is improper to use within the claim limitations. Each claim limitation needs to be supported by a particular section in the specification in order to comply with the written description requirement.

Claim 136, 145, 155 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim recites new matter with respect to “schema defined categories”. The term is not found within the specification and therefore is improper to use within the claim limitations. Each claim limitation needs to be supported by a particular section in the specification in order to comply with the written description requirement.

Claims 37, 143 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

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which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim recites new matter with respect to “schema is statistically valid”. The term is not found within the specification and therefore is improper to use within the claim limitations. Each claim limitation needs to be supported by a particular section in the specification in order to comply with the written description requirement.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 34-51, 62-64, 68-70, 90-91, 134, 135-167 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 34, 44, 135, 145, 150, 155, 159 recite “a common schema as required to transform”. It is unclear what is required by this step. By stating that a method is carried out based on some fact patterns or situations, etc. as required renders the claim vague and indefinite. What is required? Also, the fact that the step may or may not be required renders the claim indefinite.

Claims 34, 44, 135, 141, 145, 150, 155, 159, 164 also recite “output said database”. It is unclear as to what the outputting of a database really means. Based on the 112 first paragraph rejection for failing to comply with the written description

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requirement, examiner is uncertain as to how the method step of outputting the database would be performed. For purposes of examination, examiner will assume that it is intended to output data from the database.

Claims 35, 45, 135, 159, 164 are drawn to "where the physical object comprises an organization". It is unclear how an organization is a physical object. An organization is an abstract idea, as opposed to a machine, building or other structural element. For purposes of examination, examiner will interpret the limitations as the data that is representative of an organization.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 44-51, 145-149, 159-163 are rejected under 35 U.S.C. 101. Based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to a machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. In *re Bilski et al*, 88 USPQ 2d 1385 CAFC (2008); *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the other statutory class (the thing or product)

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to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps fail the first prong of the new Federal Circuit decision since they are not tied to a machine and can be performed without the use of a particular machine.

The mere recitation of the machine in the preamble with an absence of a machine in the body of the claim fails to make the claim statutory under 35 USC 101.

Note the Board of Patent Appeals Informative Opinion Ex parte Langemyer et al-

[http://iplaw.bna.com/iplw/5000/split\\_display.adp?fedfid=10988734&vname=ippqcases2&wsn=500826000&searchid=6198805&doctypeid=1&type=court&mode=doc&split=0&scm=5000&pg=0](http://iplaw.bna.com/iplw/5000/split_display.adp?fedfid=10988734&vname=ippqcases2&wsn=500826000&searchid=6198805&doctypeid=1&type=court&mode=doc&split=0&scm=5000&pg=0).

In the present application, the method claims recite that the method is a computer implemented method in the preamble, and there is an absence of a machine in the body. At best, the body recites insignificant extra solution activity in a database, as the database is not performing the method steps. To meet the requirements of 101, it is required that the machine by which method steps are carried out are positively recited in the body of the claim such that the claim is tied to machine or provide for transformation of underlying subject matter (such as an article or materials) to a different state or thing. In the present application, the claims fail both prongs of the 101 test. The claims do not positively recite the machine or apparatus to which the method steps are tied, nor do the claims result in the transformation of underlying subject matter



to a different state or thing. The claim as amended recites data representative of a physical object, but the claims further state that the physical object is an organization. As noted in the 112 rejection section, an organization is not an article or material but rather an abstract idea, and the data related to the organization can further be an abstract concept in that intangible assets such as intellectual property are included as data. Bilski requires that the subject matter to be transformed be a physical object or substance rather than an abstract idea.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 34-39, 42-47, 50-52, 135-138, 141-143, 145, 149 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 7,249,328 B1 to Davis (further referred to as Davis).

Regarding claim 34, Davis discloses a computer readable medium having sequences of instructions stored therein, which when executed cause the processor in a computer to perform a data preparation method, comprising:

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Integrating data from a plurality of systems (column 8, lines 29-34; column 10, lines 25-26; column 11, lines 24-27; column 12, lines 26-29 and lines 53-56; column 28, lines 31-34; column 38, lines 50-53)

using xml and a common schema (column 8, lines 40-46 and lines 52-57; column 10, lines 31-33 and lines 52-55; column 11, lines 24-66; column 12, lines 45-56; column 13, lines 34-37; column 15, lines 60-67; column 18, lines 48-54; column 26, lines 65-67; column 27, lines 1-5; column 28, lines 31-34; column 30, lines 42-50; column 30, lines 51-60; column 33, lines 15-47; column 37, lines 5-8; column 38, lines 48-56)

to transform said data into an integrated database and output said [database – data per 112] (column 11, lines 15-64; column 12, lines 45-56; column 13, lines 18-40; column 15, lines 23-42; column 16, lines 11-15; column 26, lines 47-67; column 49, lines 20-28)

where said data is representative of a [physical object – organization per 112] (column 11, lines 52-55; column 23, lines 62-67; column 45, lines 35-50; column 46, lines 30-33; column 49, lines 32-37).

Regarding claim 44, Davis discloses a computer implemented data preparation method, comprising:

Integrating data representative of a [physical object or substance – organization per 112] from a plurality of systems (column 8, lines 29-34; column 10, lines 25-26; column 11, lines 24-27; column 12, lines 26-29 and lines 53-56; column 28, lines 31-34; column 38, lines 50-53)

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using xml and a common schema (column 8, lines 40-46 and lines 52-57; column 10, lines 31-33 and lines 52-55; column 11, lines 24-66; column 12, lines 45-56; column 13, lines 34-37; column 15, lines 60-67; column 18, lines 48-54; column 26, lines 65-67; column 27, lines 1-5; column 28, lines 31-34; column 30, lines 42-50; column 30, lines 51-60; column 33, lines 15-47; column 37, lines 5-8; column 38, lines 48-56)

to transform said data into an integrated database that stores data in accordance with said schema and output said [database – data per 112] (column 11, lines 15-64; column 12, lines 45-56; column 13, lines 18-40; column 15, lines 23-42; column 16, lines 11-15; column 26, lines 47-67; column 49, lines 20-28).

Regarding claim 52, Davis discloses a computer readable medium having sequences of instructions stored therein, which when executed cause the processors in a plurality of computers connected via a network (column 12, lines 57-66) to perform the data preparation method of claim 44 (see rejection for claim 44).

Regarding claim 135, Davis discloses a data preparation system, comprising:

A computer with a processor having circuitry to execute instructions;

A storage device available to said processor with sequences of instructions stored therein, which when executed cause the processor to:

Integrate a plurality of data representative of an organization that physically exists from a plurality of organization related systems and an Internet (column 8, lines 29-46; column 9, lines 59-67; column 10, lines 25-26 and lines 38-45; column

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11, lines 24-27 and 53-62; column 12, lines 26-29 and lines 53-56; column 28, lines 31-39; column 38, lines 50-53)

Using xml and a common schema (column 8, lines 40-46 and lines 52-57; column 10, lines 31-33 and lines 52-55; column 11, lines 24-66; column 12, lines 45-56; column 13, lines 34-37; column 15, lines 60-67; column 18, lines 48-54; column 26, lines 65-67; column 27, lines 1-5; column 28, lines 31-34; column 30, lines 42-50; column 30, lines 51-60; column 33, lines 15-47; column 37, lines 5-8; column 38, lines 48-56), and

to transform said data into an integrated database that stores data in accordance with said schema and output said [database – data per 112] (column 11, lines 15-64; column 12, lines 45-56; column 13, lines 18-40; column 15, lines 23-42; column 16, lines 11-15; column 26, lines 47-67; column 49, lines 20-28).

Regarding claim 141, Davis discloses a program storage device readable by machine, tangible embodying a program of instructions executable by a machine to perform the method steps in a data processing method, comprising:

Using metadata mapping (column 4, lines 17-32; column 10, lines 19-30; column 13, lines 37-40 and lines 45-50; column 15, lines 56-67; column 17, line 66 – column 18, line 9; column 18, lines 48-64; column 19, lines 3-13; column 20, lines 32-38; column 21, lines 56-59; column 31, lines 5-7; column 33, lines 44-47; column 38, lines 48-65; column 49, lines 19-50; column 50, lines 38-49)

To integrate a plurality of data representative of a [physical object or substance – organization per 112] from a plurality of systems (column 8, lines 29-34; column 10, lines 25-26; column 11, lines 24-27; column 12, lines 26-29 and lines 53-56; column 28, lines 31-34; column 38, lines 50-53)

In accordance with xml and a common schema (column 8, lines 40-46 and lines 52-57; column 10, lines 31-33 and lines 52-55; column 11, lines 24-66; column 12, lines 45-56; column 13, lines 34-37; column 15, lines 60-67; column 18, lines 48-54; column 26, lines 65-67; column 27, lines 1-5; column 28, lines 31-34; column 30, lines 42-50; column 30, lines 51-60; column 33, lines 15-47; column 37, lines 5-8; column 38, lines 48-56)

to transform said data into an integrated database that stores data in accordance with said schema and output said [database – data per 112] (column 11, lines 15-64; column 12, lines 45-56; column 13, lines 18-40; column 15, lines 23-42; column 16, lines 11-15; column 26, lines 47-67; column 49, lines 20-28)

Where metadata mapping is guided by a metadata mapping table (column 10, lines 19-53; column 11, lines 24-64; column 12, lines 45-56; column 15, lines 60-67; column 18, lines 2-14; column 20, lines 32-38; column 21, lines 26-61; column 30, lines 51-58; column 33, lines 28-47; column 49, lines 19-47; column 50, lines 38-45).

Regarding claim 145, Davis discloses a computer implemented data method, comprising:

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Using metadata mapping (column 4, lines 17-32; column 10, lines 19-30; column 13, lines 37-40 and lines 45-50; column 15, lines 56-67; column 17, line 66 – column 18, line 9; column 18, lines 48-64; column 19, lines 3-13; column 20, lines 32-38; column 21, lines 56-59; column 31, lines 5-7; column 33, lines 44-47; column 38, lines 48-65; column 49, lines 19-50; column 50, lines 38-49)

To integrate a plurality of data representative of an enterprise from a plurality of enterprise related systems (column 8, lines 29-34; column 10, lines 25-26; column 11, lines 24-27; column 12, lines 26-29 and lines 53-56; column 28, lines 31-34; column 38, lines 50-53)

In accordance with xml and a common schema (column 8, lines 40-46 and lines 52-57; column 10, lines 31-33 and lines 52-55; column 11, lines 24-66; column 12, lines 45-56; column 13, lines 34-37; column 15, lines 60-67; column 18, lines 48-54; column 26, lines 65-67; column 27, lines 1-5; column 28, lines 31-34; column 30, lines 42-50; column 30, lines 51-60; column 33, lines 15-47; column 37, lines 5-8; column 38, lines 48-56)

to transform said data into an integrated database that stores data using one or more schema defined categories in accordance with said schema and output said [database – data per 112] (column 11, lines 15-64; column 12, lines 45-56; column 13, lines 18-40; column 15, lines 23-42; column 16, lines 11-15; column 26, lines 47-67; column 49, lines 20-28)

Where metadata mapping is guided by a metadata mapping table (column 10, lines 19-53; column 11, lines 24-64; column 12, lines 45-56; column 15, lines 60-67;

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column 18, lines 2-14; column 20, lines 32-38; column 21, lines 26-61; column 30, lines 51-58; column 33, lines 28-47; column 49, lines 19-47; column 50, lines 38-45).

Regarding claim 35, Davis discloses where the physical object comprises an organization and the common schema includes an organization designation (column 8, lines 37-40; column 10, lines 25-30; column 11, lines 52-62; column 33, lines 31-47; column 46, lines 27-33).

Regarding claim 37, Davis discloses where the common schema is statistically valid and includes a data structure (column 8, lines 28-54; column 10, lines 19-53; column 11, lines 24-62; column 12, lines 26-56; column 15, lines 60-67; column 33, lines 31-47; column 46, lines 27-33).

Regarding claim 38, Davis discloses where the data structure is a hierarchy (column 21, lines 46-59; column 29, lines 31-56; column 30, lines 51-57; column 31, lines 5-7).

Regarding claims 39 and 47, Davis discloses where the common schema includes a data dictionary (column 15, lines 60-67; column 21, lines 46-59; column 30, lines 51-57; column 31, lines 5-7; column 33, lines 44-47).

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Regarding claim 45, Davis discloses where the physical object or substance comprises an organization and the common schema includes an organization designation and data structure (column 8, lines 28-54; column 10, lines 19-53; column 11, lines 24-62; column 12, lines 26-56; column 15, lines 60-67; column 33, lines 31-47; column 46, lines 27-33).

Regarding claim 137, Davis discloses where a common schema includes attributes selected from the group consisting of organization designation, data structure, metadata standard, data dictionary and combinations thereof (column 8, lines 37-46 and lines 52-57; column 10, lines 25-33 and lines 52-55; column 11, lines 24-66; column 12, lines 45-56; column 13, lines 34-37; column 15, lines 60-67; column 18, lines 48-54; column 26, lines 65-67; column 27, lines 1-5; column 28, lines 31-34; column 30, lines 42-60; column 33, lines 15-47; column 37, lines 5-8; column 38, lines 48-56; column 46, lines 27-33).

Regarding claims 36, 46 and 138, Davis discloses wherein the designated organization is a single product, a group of products, a division, a company, a multi-company corporation or a value chain (column 8, lines 37-40; column 10, lines 25-30; column 11, lines 52-62; column 33, lines 31-47; column 46, lines 27-33).



Regarding claims 42 and 50, Davis discloses wherein at least a portion of the data are from the Internet or an external database (column 8, lines 24-34; column 11, lines 24-27; column 12, lines 26-31).

Regarding claim 43, Davis discloses where the data preparation method further comprises converting data to match a common schema and storing the converted data in a central database (column 11, lines 15-67; column 12, lines 26-56; column 27, lines 1-6).

Regarding claim 51, Davis discloses where the data preparation method further comprises converting and storing data in accordance with the common schema (column 11, lines 15-67; column 12, lines 26-56; column 27, lines 1-6).

Regarding claim 143, Davis discloses wherein the schema is statistically valid (column 8, lines 28-54; column 10, lines 19-53; column 11, lines 24-62; column 12, lines 26-56; column 15, lines 60-67; column 33, lines 31-47; column 46, lines 27-33).

Regarding claim 136, Davis discloses using metadata mapping to convert and store data in accordance with a common schema using one or more schema defined categories (column 4, lines 17-32; column 10, lines 19-30; column 13, lines 37-40 and lines 45-50; column 15, lines 56-67; column 17, line 66 – column 18, line 9; column 18,

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lines 48-64; column 19, lines 3-13; column 20, lines 32-38; column 21, lines 56-59; column 31, lines 5-7; column 33, lines 44-47; column 38, lines 48-65; column 49, lines 19-50; column 50, lines 38-49).

Regarding claims 142, Davis discloses wherein at least some data are pre-specified for integration (column 10, lines 25-30; column 12, lines 26-56; column 15, lines 60-67; column 21, lines 46-59).

Regarding claim 149, Davis discloses wherein the data method further comprises storing a plurality of converted data in one or more tables to support organization processing (column 11, lines 15-67; column 12, lines 26-56; column 27, lines 1-6).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 62-63, 68, 70, 90, 134 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis, in view of “How to sort out the premium drivers of post-deal value) by Daniel Bielinski (further referred to as Bielinski), in view of US Patent 6,018,722 to Ray et al. (further referred to as Ray), and further in view of “The 1986-88 Stock Market: Investor Sentiment or Fundamentals?” by Bauer et al. (further referred to as Bauer).

Regarding claim 62, Davis discloses a computer readable medium having sequences of instructions stored therein, which when executed cause the processor in a plurality of computers that have been connected via a network to perform an organization management method, comprising:

Transforming data representative of an organization (column 8, lines 29-34; column 10, lines 25-26; column 11, lines 24-27; column 12, lines 26-29 and lines 53-56; column 28, lines 31-34; column 38, lines 50-53)

From a plurality of systems (column 8, lines 29-34; column 10, lines 25-26; column 11, lines 24-27; column 12, lines 26-29 and lines 53-56; column 28, lines 31-34; column 38, lines 50-53)

Into an integrated database that stores data (column 11, lines 15-64; column 12, lines 45-56; column 13, lines 18-40; column 15, lines 23-42; column 16, lines 11-15; column 26, lines 47-67; column 49, lines 20-28)

In accordance with an xml metadata standard and a common schema (column 8, lines 40-46 and lines 52-57; column 10, lines 31-33 and lines 52-55; column 11, lines 24-66; column 12, lines 45-56; column 13, lines 34-37; column 15, lines 60-67; column 18, lines 48-54; column 26, lines 65-67; column 27, lines 1-5; column 28, lines 31-34; column 30, lines 42-50; column 30, lines 51-60; column 33, lines 15-47; column 37, lines 5-8; column 38, lines 48-56), and

Using at least a portion of said data to create and output one or more tools for organization management (column 8, lines 29-34 and lines 40-51; column 9, lines 1-6; column 10, lines 19-30; column 12, lines 15-17; column 13, lines 19-23; column 25, lines 53-60; column 26, lines 47-67; column 28, lines 31-40; column 36, lines 59-67; column 37, lines 5-12; column 38, lines 48-65),

Where the one or more tools for organization management further comprise one or more tools selected from the group consisting of analytical models, category of value models, component of value models, market value models, network models, management reports, and combinations thereof (column 8, lines 36-46; column 10, lines 38-53; column 11, lines 52-55; column 28, lines 31-39; column 33, lines 15-47; column 36, lines 59-67; column 38, lines 48-65; column 44, lines 22-34; column 45, lines 1-63; column 46, lines 27-38).

Davis does not disclose where tools are selected from the group consisting of optimization models, simulation models, value chains models, lists of changes that will optimize one or more aspects of organization financial performance. However, Bielinski discloses where the tools are selected from the group consisting of optimization models,

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simulation models, value chains models, lists of changes that will optimize one or more aspects of organization financial performance (page 1, paragraphs 1 and 2; page 2, paragraphs 1, 6 and 8; page 3, paragraphs 1 and 2; page 4, paragraphs 1, 8 and 10; page 5, paragraphs 1-4).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the use of tools such as analytical models, management summary reports, etc. as disclosed by Davis to adapt the use of tools such as optimization models and lists of changes optimizing organization financial performance, etc. as disclosed by Bielinski. The motivation would be that all of the tools described by Davis and Bielinski are useful for making evaluations of companies and when financial data is received from multiple external sources as disclosed by Davis, it would be obvious to use the data in order to provide meaningful statistics and data for reviewers and decision makers. Further, it is noted that the claim is set forth as a Markush claim and as such each of the items within the set are admittedly within a group known in the art. Therefore, it would further be obvious to provide evaluation tools as are known to be part of a group in the art.

Neither Davis nor Bielinski disclose where one or more of the tools comprise a system for automated trading of organization equity based on a calculated market sentiment. However, Ray discloses a system for automated trading of organization equity (at least abstract). It would be obvious to one of ordinary skill in the art to modify the use of Internets and Intranets for interacting and evaluating financial data as disclosed by the combination of Davis and Bielinski to incorporate a system for automated trading of equity as disclosed by Ray. The motivation would be that Davis

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and Bielinski provide for a fully interactive system and method using the Internet and wherein a user uses financial data from a plurality of sources in order to use charts, graphs, spreadsheets, etc. in order to view, manipulate, compare and manage the financial data such that evaluations and conclusions can be drawn regarding the data and providing an automated trading tool enables a user to do something with the results of their analysis without going to a trading website to perform a trade. It would therefore be obvious to provide a system for automated trading as disclosed by Ray based the collection of data and based on a financial evaluation as is performed by the system and method of Davis and Bielinski.

Further, Ray discloses a trading system where stock price is based on the public's perception and sentiment towards the company as reflected in the stock price (at least abstract; column 2, lines 19-48; column 3, lines 19-22) but does not specifically disclose a calculated market sentiment value. However, Bauer discloses a calculated market sentiment value (abstract; page 2, "Stock prices and investor sentiment"; page 3, formula 3). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the system of integrating organization data for outputting calculated results from the data, and the valuation modeling techniques with automated trading of securities as disclosed by the combination of Davis, Bielinski and Ray, to adapt the use of sentiment as a value driver and to calculate stock price using sentiment as disclosed by Bauer. The motivation would be that stock price is calculated based on company value and a company value is derived from real and intangible assets of value and for most accurate pricing, one would want to incorporate all assets, real and intangible.

Regarding claim 63, Davis discloses where the one or more tools are made available for review using an electronic display, a paper document or combinations thereof (column 4, lines 33-45).

Regarding claim 68, Davis discloses where the common schema defines common attributes selected from the group consisting of data structure, organization designation, data dictionary and combinations thereof (column 8, lines 28-54; column 10, lines 19-53; column 11, lines 24-62; column 12, lines 26-56; column 15, lines 60-67; column 21, lines 46-59; column 30, lines 51-57; column 31, lines 5-7; column 33, lines 31-47; column 46, lines 27-33).

Regarding claim 70, Davis discloses where the data structure is a hierarchy (column 21, lines 46-59; column 29, lines 31-56; column 30, lines 51-57; column 31, lines 5-7).

Regarding claim 90, Davis discloses wherein the one or more aspects of organization financial performance are selected from the group consisting of organization revenue, organization expense organizational capital change and combinations thereof (column 8, lines 36-46; column 9, lines 59-65; column 10, lines 38-53; column 11, lines 53-62; column 13, lines 20-30; column 28, lines 36-39; column 32,

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lines 27-67; column 33, lines 15-47; column 39, line 61 – column 40, line 50; column 45, lines 1-14; column 45, lines 35-50).

Davis does not disclose where financial performance is selected from the group consisting of organization current operation value, organization real option value, organization market sentiment value and organization market value. However, Bielinski discloses where financial performance is selected from the group consisting of organization current operation value, organization real option value and organization market value (page 1, paragraphs 1-2; page 2, paragraphs 1 and 8; page 3, paragraphs 1 and 2; page 4, paragraphs 5, 8 and 10).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the use of tools such as performance aspects as revenue and expenses as disclosed by Davis to adapt the use performance aspects such as real option value and market value, etc. as disclosed by Bielinski. The motivation would be that all of the tools described by Davis and Bielinski are useful for making evaluations of companies and when financial data is received from multiple external sources as disclosed by Davis, it would be obvious to use the data in order to provide meaningful statistics and data for reviewers and decision makers. Further, it is noted that the claim is set forth as a Markush claim and as such each of the items within the set are admittedly within a group known in the art. Therefore, it would further be obvious to provide evaluation tools as are known to be part of a group in the art.

Neither Davis nor Bielinski specifically disclose market sentiment. However, Ray discloses a trading system where stock price is based on the public's perception and



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sentiment towards the company as reflected in the stock price (at least abstract; column 2, lines 19-48; column 3, lines 19-22). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the use of performance aspects including Revenue, expenses, real options value as disclosed by Davis and Bielinski to adapt the performance aspect of market sentiment as disclosed by Ray. The motivation would be that each of the mentioned indicators are used for measuring, comparing, and evaluating a company's financial performance.

Regarding claim 134, Davis discloses the use of relative importance of the different elements of value, categories of value and enterprises in determining organization financial performance as required to support the development of one or more tools for organization management (column 20, lines 32-38; column 21, lines 46-59; column 24, lines 15-24; column 25, lines 53-63; column 26, lines 47-67; column 27, lines 1-5; column 28, lines 31-42; column 29, lines 39-56; column 30, lines 51-60; column 31, lines 5-7 and lines 26-51).

Neither Davis nor Bielinski disclose where this is learned. However, Ray discloses where this is learned (column 8, lines 23-38). It would be obvious to one of ordinary skill in the art to modify the retrieving, gathering, and calculations with values of financial performance with relative importance as disclosed by the combination of Davis and Bielinski to adapt the learning of the importance as disclosed by Ray. The motivation would be that Davis and Bielinski provide for the measurement and determination of financial performance using financial data and using such techniques

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as metadata and simulation for making such an evaluation. Providing a neural network enhances the ability of the system to learn and think as a human would think in terms of the data, and the interpretations made thereof.

Claims 40-41, 48-49, 139-140, 146, 150-151 and 154 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Official Notice.

Regarding claims 40, 48 and 139, Davis discloses where the data dictionary defines standard data attributes from the group consisting of components of value, currencies, elements of value, units of measure and time periods (column 8, lines 30-51; column 10, lines 31-53; column 11, lines 24-67; column 13, lines 46-49; column 20, lines 32-65; column 25, lines 30-52; column 26, lines 15-25 and lines 34-67).

Davis does not disclose where the data dictionary defines data attributes for account numbers. However, Examiner takes Official Notice that it is old and well known that account numbers are one way of identifying an account and that accounts and account numbers are used in database management and as a way of storing and organizing data and it would be obvious therefore to include account numbers in the data dictionary. Further, it is noted that the claim is set forth as a Markush claim and as such each of the items within the set are admittedly within a group known in the art. Therefore, examiner takes Official Notice that it is old and well known and would have been obvious to one of ordinary skill in the art that data could be from any types of indicators as are known to be part of a group in the art as listed in the claim.

Regarding claims 41 and 49, Davis discloses where data are obtained a plurality of systems selected from the group consisting of advanced financial systems, basic financial systems and alliance management systems (column 9, lines 59-67; column 10, lines 38-53; column 28, lines 31-39; column 44, lines 27-30; column 45, lines 1-50; column 46, lines 27-34; column 49, lines 28-37).

Davis does not disclose data are selected from the exhaustive list as disclosed in the claim limitation. However, Davis discloses the above mentioned specific enterprise systems, as well as disclosing the receiving of data from a plurality of sources and systems over the Internet. Further, it is noted that the claim is set forth as a Markush claim and as such each of the items within the set are admittedly within a group known in the art. Therefore, examiner takes Official Notice that it is old and well known to one of ordinary skill in the art and would have been obvious to one of ordinary skill in the art that data could be from any types of organizations as are known to be part of a group in the art as listed in the claim.

Regarding claim 140, Davis discloses wherein a plurality of organization related systems are database management systems for systems selected from the group consisting of advanced financial systems, basic financial systems and alliance management systems (column 9, lines 59-67; column 10, lines 38-53; column 28, lines 31-39; column 44, lines 27-30; column 45, lines 1-50; column 46, lines 27-34; column 49, lines 28-37).

Davis does not disclose where systems are selected from the exhaustive list as disclosed in the claim limitation. However, Davis discloses the above mentioned specific enterprise systems, as well as disclosing the receiving of data from a plurality of sources and systems over the Internet. Further, it is noted that the claim is set forth as a Markush claim and as such each of the items within the set are admittedly within a group known in the art. Therefore, examiner takes Official Notice that it is old and well known to one of ordinary skill in the art and would have been obvious to one of ordinary skill in the art that enterprises could be from any types of organizations as are known to be part of a group in the art as listed in the claim.

Regarding claim 146, Davis discloses wherein a plurality of systems are selected from the group consisting of advanced financial systems, basic financial systems and alliance management systems (column 9, lines 59-67; column 10, lines 38-53; column 28, lines 31-39; column 44, lines 27-30; column 45, lines 1-50; column 46, lines 27-34; column 49, lines 28-37).

Davis does not disclose where enterprise related systems are selected from the exhaustive list as disclosed in the claim limitation. However, Davis discloses the above mentioned specific enterprise systems, as well as disclosing the receiving of data from a plurality of sources and systems over the Internet. Further, it is noted that the claim is set forth as a Markush claim and as such each of the items within the set are admittedly within a group known in the art. Therefore, examiner takes Official Notice that it is old and well known to one of ordinary skill in the art and would have been obvious to one of

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ordinary skill in the art that enterprises could be from any types of organizations as are known to be part of a group in the art as listed in the claim.

Regarding claim 150, Davis discloses a data preparation system, comprising:

A computer with a processor having circuitry to execute instructions (Figure 2; column 13, line 61 - column 14, line 67);

A storage device available to said processor with sequences of instructions stored therein (Figure 2; column 13, line 61 – column 14, line 67), which when executed cause the processor to:

Use metadata mapping (column 4, lines 17-32; column 10, lines 19-30; column 13, lines 37-40 and lines 45-50; column 15, lines 56-67; column 17, line 66 – column 18, line 9; column 18, lines 48-64; column 19, lines 3-13; column 20, lines 32-38; column 21, lines 56-59; column 31, lines 5-7; column 33, lines 44-47; column 38, lines 48-65; column 49, lines 19-50; column 50, lines 38-49)

To integrate and convert a plurality of data from a plurality of enterprise related systems (column 8, lines 29-34; column 10, lines 25-26; column 11, lines 24-27; column 12, lines 26-29 and lines 53-56; column 28, lines 31-34; column 38, lines 50-53)

In accordance with xml and a common schema (column 8, lines 40-46 and lines 52-57; column 10, lines 31-33 and lines 52-55; column 11, lines 24-66; column 12, lines 45-56; column 13, lines 34-37; column 15, lines 60-67; column 18, lines 48-54; column 26, lines 65-67; column 27, lines 1-5; column 28, lines 31-34; column 30, lines 42-50;

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column 30, lines 51-60; column 33, lines 15-47; column 37, lines 5-8; column 38, lines 48-56)

To transform said data into an integrated database and output said [database – data per 112] (column 11, lines 15-64; column 12, lines 45-56; column 13, lines 18-40; column 15, lines 23-42; column 16, lines 11-15; column 26, lines 47-67; column 49, lines 20-28)

Where metadata mapping is guided by a metadata mapping table (column 10, lines 19-53; column 11, lines 24-64; column 12, lines 45-56; column 15, lines 60-67; column 18, lines 2-14; column 20, lines 32-38; column 21, lines 26-61; column 30, lines 51-58; column 33, lines 28-47; column 49, lines 19-47; column 50, lines 38-45), and

Where a plurality of enterprise related systems are selected from the group consisting of advanced financial systems, basic financial systems and alliance management systems (column 9, lines 59-67; column 10, lines 38-53; column 28, lines 31-39; column 44, lines 27-30; column 45, lines 1-50; column 46, lines 27-34; column 49, lines 28-37).

Davis does not disclose where enterprise related systems are selected from the exhaustive list as disclosed in the claim limitation. However, Davis discloses the above mentioned specific enterprise systems, as well as disclosing the receiving of data from a plurality of sources and systems over the Internet. Further, it is noted that the claim is set forth as a Markush claim and as such each of the items within the set are admittedly within a group known in the art. Therefore, examiner takes Official Notice that it is old and well known to one of ordinary skill in the art and would have been obvious to one of

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ordinary skill in the art that enterprises could be from any types of organizations as are known to be part of a group in the art as listed in the claim.

Regarding claims 151, Davis discloses wherein at least some data are pre-specified for integration (column 10, lines 25-30; column 12, lines 26-56; column 15, lines 60-67; column 21, lines 46-59).

Regarding claim 154, Davis discloses wherein at least a portion of the data are obtained from an Internet or an external database (column 8, lines 24-34; column 11, lines 24-27; column 12, lines 26-31).

Claims 144, 147, 155-157, 159, 161 and 163 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis, and further in view of US Patent 6,549,922 B1 to Srivastava et al. (further referred to as Srivastava).

Regarding claim 155, Davis discloses a program storage device readable by machine, tangible embodying a program of instructions executable by a machine to perform the method steps in a data processing method, comprising:

Using metadata mapping (column 4, lines 17-32; column 10, lines 19-30; column 13, lines 37-40 and lines 45-50; column 15, lines 56-67; column 17, line 66 – column 18, line 9; column 18, lines 48-64; column 19, lines 3-13; column 20, lines 32-38; column

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21, lines 56-59; column 31, lines 5-7; column 33, lines 44-47; column 38, lines 48-65; column 49, lines 19-50; column 50, lines 38-49)

To integrate a plurality of data representative of an enterprise from a plurality of enterprise related systems (column 8, lines 29-34; column 10, lines 25-26; column 11, lines 24-27; column 12, lines 26-29 and lines 53-56; column 28, lines 31-34; column 38, lines 50-53)

In accordance with xml and a common schema (column 8, lines 40-46 and lines 52-57; column 10, lines 31-33 and lines 52-55; column 11, lines 24-66; column 12, lines 45-56; column 13, lines 34-37; column 15, lines 60-67; column 18, lines 48-54; column 26, lines 65-67; column 27, lines 1-5; column 28, lines 31-34; column 30, lines 42-50; column 30, lines 51-60; column 33, lines 15-47; column 37, lines 5-8; column 38, lines 48-56)

to transform said data into an integrated database that stores data using one or more schema defined categories in accordance with said schema and output said [database – data per 112] (column 11, lines 15-64; column 12, lines 45-56; column 13, lines 18-40; column 15, lines 23-42; column 16, lines 11-15; column 26, lines 47-67; column 49, lines 20-28)

Where metadata mapping is guided by a metadata mapping table (column 10, lines 19-53; column 11, lines 24-64; column 12, lines 45-56; column 15, lines 60-67; column 18, lines 2-14; column 20, lines 32-38; column 21, lines 26-61; column 30, lines 51-58; column 33, lines 28-47; column 49, lines 19-47; column 50, lines 38-45).



Davis does not disclose where a metadata and conversion rules window is used to establish a metadata mapping table. However, Srivastava discloses where a metadata and conversion rules window is used to establish a metadata mapping table (Figure 2; column 3, lines 27-62; column 5, lines 14-18; column 6, lines 15-18; column 7, lines 27-31). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the use of metadata mapping tables as disclosed by Davis to provide a window for establishing the tables as disclosed by Srivastava. The motivation is that GUIs use windows for providing a user interface for such functions as defining a metadata table and it would be obvious to use a commonly known technique for establishing tables, namely the providing of a window, as disclosed by Srivastava.

Regarding claim 159, Davis discloses a computer implemented data method, comprising:

Using metadata mapping (column 4, lines 17-32; column 10, lines 19-30; column 13, lines 37-40 and lines 45-50; column 15, lines 56-67; column 17, line 66 – column 18, line 9; column 18, lines 48-64; column 19, lines 3-13; column 20, lines 32-38; column 21, lines 56-59; column 31, lines 5-7; column 33, lines 44-47; column 38, lines 48-65; column 49, lines 19-50; column 50, lines 38-49)

To integrate a plurality of data representative of an enterprise that physically exists from a plurality of enterprise related systems (column 8, lines 29-34; column 10, lines 25-26; column 11, lines 24-27; column 12, lines 26-29 and lines 53-56; column 28, lines 31-34; column 38, lines 50-53)

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In accordance with xml and a common schema (column 8, lines 40-46 and lines 52-57; column 10, lines 31-33 and lines 52-55; column 11, lines 24-66; column 12, lines 45-56; column 13, lines 34-37; column 15, lines 60-67; column 18, lines 48-54; column 26, lines 65-67; column 27, lines 1-5; column 28, lines 31-34; column 30, lines 42-50; column 30, lines 51-60; column 33, lines 15-47; column 37, lines 5-8; column 38, lines 48-56)

to support organization processing (column 8, lines 29-34 and lines 40-51; column 9, lines 1-6; column 10, lines 19-30; column 12, lines 15-17; column 13, lines 19-23; column 25, lines 53-60; column 26, lines 47-67; column 28, lines 31-40; column 36, lines 59-67; column 37, lines 5-12; column 38, lines 48-65)

to transform said data into an integrated database that stores data in accordance with said schema and output said [database – data per 112] (column 11, lines 15-64; column 12, lines 45-56; column 13, lines 18-40; column 15, lines 23-42; column 16, lines 11-15; column 26, lines 47-67; column 49, lines 20-28)

Where metadata mapping is guided by a metadata mapping table (column 10, lines 19-53; column 11, lines 24-64; column 12, lines 45-56; column 15, lines 60-67; column 18, lines 2-14; column 20, lines 32-38; column 21, lines 26-61; column 30, lines 51-58; column 33, lines 28-47; column 49, lines 19-47; column 50, lines 38-45).

Davis does not disclose where a metadata and conversion rules window is used to establish a metadata mapping table. However, Srivastava discloses where a metadata and conversion rules window is used to establish a metadata mapping table

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(Figure 2; column 3, lines 27-62; column 5, lines 14-18; column 6, lines 15-18; column 7, lines 27-31). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the use of metadata mapping tables as disclosed by Davis to provide a window for establishing the tables as disclosed by Srivastava. The motivation is that GUIs use windows for providing a user interface for such functions as defining a metadata table and it would be obvious to use a commonly known technique for establishing tables, namely the providing of a window, as disclosed by Srivastava.

Regarding claims 144, 147 and 161, Davis discloses wherein a set of integration and conversion rules are saved in a metadata mapping table (column 10, lines 19-53; column 11, lines 24-64; column 12, lines 45-56; column 15, lines 60-67; column 18, lines 2-14; column 20, lines 32-38; column 21, lines 26-61; column 30, lines 51-58; column 33, lines 28-47; column 49, lines 19-47; column 50, lines 38-45).

Davis does not disclose wherein the set of integration and conversion rules are established using a metadata and conversion rules window. However, Srivastava discloses where the set of integration and conversion rules are established using a metadata and conversion rules window (Figure 2; column 3, lines 27-62; column 5, lines 14-18; column 6, lines 15-18; column 7, lines 27-31). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the use of metadata mapping tables as disclosed by Davis to provide a window for establishing the tables as disclosed by Srivastava. The motivation is that GUIs use windows for providing a user interface for such functions as defining a metadata table and it would be obvious to use

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a commonly known technique for establishing tables, namely the providing of a window, as disclosed by Srivastava.

Regarding claim 156, Davis discloses wherein at least some data are pre-specified for integration and conversion (column 10, lines 25-30; column 12, lines 26-56; column 15, lines 60-67; column 21, lines 46-59).

Regarding claim 157, Davis discloses wherein a plurality of integrated enterprise data are stored in an application database in accordance with a common schema (column 8, lines 40-46 and lines 52-57; column 10, lines 31-33 and lines 52-55; column 11, lines 15-67; column 12, lines 26-56; column 13, lines 34-37; column 15, lines 60-67; column 18, lines 48-54; column 26, lines 65-67; column 27, lines 1-6; column 28, lines 31-34; column 30, lines 42-50; column 30, lines 51-60; column 33, lines 15-47; column 37, lines 5-8; column 38, lines 48-56).

Regarding claim 163, Davis discloses wherein the data method further comprises storing a plurality of converted data in one or more tables to support organization processing (column 11, lines 15-67; column 12, lines 26-56; column 27, lines 1-6).

Claims 158, 160 and 164-167 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis, in view of US Patent 6,549,922 B1 to Srivastava et al. (further referred to as Srivastava), and further in view of Official Notice.

Regarding claims 158 and 160, Davis discloses wherein a plurality of systems are selected from the group consisting of advanced financial systems, basic financial systems and alliance management systems (column 9, lines 59-67; column 10, lines 38-53; column 28, lines 31-39; column 44, lines 27-30; column 45, lines 1-50; column 46, lines 27-34; column 49, lines 28-37).

Neither Davis nor Srivastava disclose where enterprise related systems are selected from the exhaustive list as disclosed in the claim limitation. However, Davis discloses the above mentioned specific enterprise systems, as well as disclosing the receiving of data from a plurality of sources and systems over the Internet. Further, it is noted that the claim is set forth as a Markush claim and as such each of the items within the set are admittedly within a group known in the art. Therefore, examiner takes Official Notice that it is old and well known to one of ordinary skill in the art and would have been obvious to one of ordinary skill in the art that enterprises could be from any types of organizations as are known to be part of a group in the art as listed in the claim.

Regarding claim 164, Davis discloses a data preparation system, comprising:

A computer with a processor having circuitry to execute instructions (Figure 2; column 13, line 61 - column 14, line 67);

A storage device available to said processor with sequences of instructions stored therein (Figure 2; column 13, line 61 – column 14, line 67), which when executed cause the processor to:

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Use metadata mapping (column 4, lines 17-32; column 10, lines 19-30; column 13, lines 37-40 and lines 45-50; column 15, lines 56-67; column 17, line 66 – column 18, line 9; column 18, lines 48-64; column 19, lines 3-13; column 20, lines 32-38; column 21, lines 56-59; column 31, lines 5-7; column 33, lines 44-47; column 38, lines 48-65; column 49, lines 19-50; column 50, lines 38-49)

To integrate and convert a plurality of data representative of an enterprise that physically exists from a plurality of enterprise related systems (column 8, lines 29-34; column 10, lines 25-26; column 11, lines 24-27; column 12, lines 26-29 and lines 53-56; column 28, lines 31-34; column 38, lines 50-53)

In accordance with xml and a common schema (column 8, lines 40-46 and lines 52-57; column 10, lines 31-33 and lines 52-55; column 11, lines 24-66; column 12, lines 45-56; column 13, lines 34-37; column 15, lines 60-67; column 18, lines 48-54; column 26, lines 65-67; column 27, lines 1-5; column 28, lines 31-34; column 30, lines 42-50; column 30, lines 51-60; column 33, lines 15-47; column 37, lines 5-8; column 38, lines 48-56)

to transform said data into an integrated database and output said [database – data per 112] (column 11, lines 15-64; column 12, lines 45-56; column 13, lines 18-40; column 15, lines 23-42; column 16, lines 11-15; column 26, lines 47-67; column 49, lines 20-28)

Where metadata mapping is guided by a metadata mapping table (column 10, lines 19-53; column 11, lines 24-64; column 12, lines 45-56; column 15, lines 60-67;

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column 18, lines 2-14; column 20, lines 32-38; column 21, lines 26-61; column 30, lines 51-58; column 33, lines 28-47; column 49, lines 19-47; column 50, lines 38-45), and

Where a plurality of enterprise related systems are selected from the group consisting of advanced financial systems, basic financial systems and alliance management systems.

Davis does not disclose where a metadata and conversion rules window is used to establish a metadata mapping table. However, Srivastava discloses where a metadata and conversion rules window is used to establish a metadata mapping table (Figure 2; column 3, lines 27-62; column 5, lines 14-18; column 6, lines 15-18; column 7, lines 27-31). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the use of metadata mapping tables as disclosed by Davis to provide a window for establishing the tables as disclosed by Srivastava. The motivation is that GUIs use windows for providing a user interface for such functions as defining a metadata table and it would be obvious to use a commonly known technique for establishing tables, namely the providing of a window, as disclosed by Srivastava.

Neither Davis nor Srivastava disclose where enterprise related systems are selected from the exhaustive list as disclosed in the claim limitation. However, the combination of Davis and Srivastava discloses the above mentioned specific enterprise systems, as well as disclosing the receiving of data from a plurality of sources and systems over the Internet. Further, it is noted that the claim is set forth as a Markush claim and as such each of the items within the set are admittedly within a group known in the art. Therefore, examiner takes Official Notice that it is old and well known to one

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of ordinary skill in the art and would have been obvious to one of ordinary skill in the art that enterprises could be from any types of organizations as are known to be part of a group in the art as listed in the claim.

Regarding claims 165, Davis discloses wherein at least some data are pre-specified for integration and conversion (column 10, lines 25-30; column 12, lines 26-56; column 15, lines 60-67; column 21, lines 46-59).

Regarding claim 166, Davis discloses where a common schema identifies data designations selected from the group consisting of components of value, sub components of value, elements of value and sub elements of value (column 8, lines 30-51; column 10, lines 31-53; column 11, lines 24-67; column 13, lines 46-49; column 20, lines 32-65; column 25, lines 30-52; column 26, lines 15-25 and lines 34-67; column 29, lines 31-56; column 30, lines 51-58; column 44, lines 22-34; column 45, lines 40-50; column 49, lines 19-43).

Neither Davis nor Srivastava disclose identifying known value drivers and non-relevant attributes. However, Bielinski discloses disclose identifying known value drivers and non-relevant attributes (page 1, paragraph 2; page 2, paragraphs 1 and 8; page 3, paragraphs 102; paragraph 4, paragraph 1; page 5, paragraphs 3-4). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the use of identifying data schema such as components of value and sub components of value as disclosed by the combination of Davis and Srivastava to adapt the identifying of data



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schema such as value drivers as disclosed by Bielinski. The motivation would be that all of the data identifiers described by Davis and Bielinski are useful for making evaluations of companies and when financial data is received from multiple external sources as disclosed by Davis, it would be obvious to use the data in order to provide meaningful statistics and data for reviewers and decision makers, where the received data would need to be identified for storage and manipulation.

Regarding claim 167, Davis discloses wherein at least a portion of the data are obtained from an Internet or an external database (column 8, lines 24-34; column 11, lines 24-27; column 12, lines 26-31).

Claims 64, 69 and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis, Bielinski, Ray and Bauer as applied to claim 62 above, and further in view of Official Notice.

Regarding claim 64, Davis discloses wherein a plurality of systems are selected from the group consisting of advanced financial systems, basic financial systems and alliance management systems (column 9, lines 59-67; column 10, lines 38-53; column 28, lines 31-39; column 44, lines 27-30; column 45, lines 1-50; column 46, lines 27-34; column 49, lines 28-37).

Neither Davis, Bielinski, Ray nor Bauer disclose where enterprise related systems are selected from the exhaustive list as disclosed in the claim limitation.

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However, Davis discloses the above mentioned specific enterprise systems, as well as disclosing the receiving of data from a plurality of sources and systems over the Internet. Further, it is noted that the claim is set forth as a Markush claim and as such each of the items within the set are admittedly within a group known in the art.

Therefore, examiner takes Official Notice that it is old and well known to one of ordinary skill in the art and would have been obvious to one of ordinary skill in the art that enterprises could be from any types of organizations as are known to be part of a group in the art as listed in the claim.

Regarding claim 69, Davis discloses where the data dictionary defines standard data attributes from the group consisting of components of value, currencies, elements of value, units of measure and time periods (column 8, lines 30-51; column 10, lines 31-53; column 11, lines 24-67; column 13, lines 46-49; column 20, lines 32-65; column 25, lines 30-52; column 26, lines 15-25 and lines 34-67).

Neither Davis, Bielinski, Ray nor Bauer disclose where the data dictionary defines data attributes for account numbers. However, Examiner takes Official Notice that it is old and well known that account numbers are one way of identifying an account and that accounts and account numbers are used in database management and as a way of storing and organizing data and it would be obvious therefore to include account numbers in the data dictionary. Further, it is noted that the claim is set forth as a Markush claim and as such each of the items within the set are admittedly within a group known in the art. Therefore, examiner takes Official Notice that it is old and well

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known and would have been obvious to one of ordinary skill in the art that data could be from any types of indicators as are known to be part of a group in the art as listed in the claim.

Regarding claim 91, Davis does not disclose wherein identified changes include the changes as listed in the claim language. However, Bielinski discloses where identified changes include changes to value drivers such as organization equity and production equipment value drivers, employee value drivers (page 2, paragraphs 1, 6, 8; page 5, paragraph 3). Given the combination of Davis and Bielinski as given in claim 62, it would be obvious to use the above changes as each of the changes represents among those things an organization change vary and change in order to see modified financial performance. The motivation in adapting these changes would be that they represent among the common factors that companies can review and consider for modification when a financial performance change is desired or required.

Neither Davis, Bielinski, Ray nor Bauer disclose the exhaustive list as disclosed in the claim language. However, it is noted that the claim is set forth as a Markush claim and as such each of the items within the set are admittedly within a group known in the art. Therefore, examiner takes Official Notice that it is old and well known and would have been obvious to one of ordinary skill in the art that changes could be from any types of changes as are known to be part of a group in the art as listed in the claim.

Claim 148 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as applied to claim 145 above, and further in view of Bielinski.

Regarding claim 148, Davis discloses where a common schema identifies data designations selected from the group consisting of components of value, sub components of value, elements of value and sub elements of value (column 8, lines 30-51; column 10, lines 31-53; column 11, lines 24-67; column 13, lines 46-49; column 20, lines 32-65; column 25, lines 30-52; column 26, lines 15-25 and lines 34-67; column 29, lines 31-56; column 30, lines 51-58; column 44, lines 22-34; column 45, lines 40-50; column 49, lines 19-43).

Davis does not disclose identifying known value drivers and non-relevant attributes. However, Bielinski discloses disclose identifying known value drivers and non-relevant attributes (page 1, paragraph 2; page 2, paragraphs 1 and 8; page 3, paragraphs 102; paragraph 4, paragraph 1; page 5, paragraphs 3-4). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the use of identifying data schema such as components of value and sub components of value as disclosed by Davis to adapt the identifying of data schema such as value drivers as disclosed by Bielinski. The motivation would be that all of the data identifiers described by Davis and Bielinski are useful for making evaluations of companies and when financial data is received from multiple external sources as disclosed by Davis, it would be obvious to use the data in order to provide meaningful statistics and data for

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reviewers and decision makers, where the received data would need to be identified for storage and manipulation.

Claim 152 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis and Official Notice as applied to claim 150 above, and further in view of Srivastava.

Regarding claim 152, Davis discloses wherein a set of integration and conversion rules are saved in a metadata mapping table (column 10, lines 19-53; column 11, lines 24-64; column 12, lines 45-56; column 15, lines 60-67; column 18, lines 2-14; column 20, lines 32-38; column 21, lines 26-61; column 30, lines 51-58; column 33, lines 28-47; column 49, lines 19-47; column 50, lines 38-45).

Davis does not disclose wherein the set of integration and conversion rules are established using a metadata and conversion rules window. However, Srivastava discloses where the set of integration and conversion rules are established using a metadata and conversion rules window (Figure 2; column 3, lines 27-62; column 5, lines 14-18; column 6, lines 15-18; column 7, lines 27-31). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the use of metadata mapping tables as disclosed by Davis to provide a window for establishing the tables as disclosed by Srivastava. The motivation is that GUIs use windows for providing a user interface for such functions as defining a metadata table and it would be obvious to use a commonly known technique for establishing tables, namely the providing of a window, as disclosed by Srivastava.

Claim 153 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis and Official Notice as applied to claim 150 above, and further in view of Bielinski.

Regarding claim 153, Davis discloses where a common schema identifies data designations selected from the group consisting of components of value, sub components of value, elements of value and sub elements of value (column 8, lines 30-51; column 10, lines 31-53; column 11, lines 24-67; column 13, lines 46-49; column 20, lines 32-65; column 25, lines 30-52; column 26, lines 15-25 and lines 34-67; column 29, lines 31-56; column 30, lines 51-58; column 44, lines 22-34; column 45, lines 40-50; column 49, lines 19-43).

Davis does not disclose identifying known value drivers and non-relevant attributes. However, Bielinski discloses disclose identifying known value drivers and non-relevant attributes (page 1, paragraph 2; page 2, paragraphs 1 and 8; page 3, paragraphs 102; paragraph 4, paragraph 1; page 5, paragraphs 3-4). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the use of identifying data schema such as components of value and sub components of value as disclosed by Davis to adapt the identifying of data schema such as value drivers as disclosed by Bielinski. The motivation would be that all of the data identifiers described by Davis and Bielinski are useful for making evaluations of companies and when financial data is received from multiple external sources as disclosed by Davis, it would be obvious to use the data in order to provide meaningful statistics and data for

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reviewers and decision makers, where the received data would need to be identified for storage and manipulation.

Claim 162 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis and Srivastava as applied to claim 159 above, and further in view of Bielinski.

Regarding claim 153, Davis discloses where a common schema identifies data designations selected from the group consisting of components of value, sub components of value, elements of value and sub elements of value (column 8, lines 30-51; column 10, lines 31-53; column 11, lines 24-67; column 13, lines 46-49; column 20, lines 32-65; column 25, lines 30-52; column 26, lines 15-25 and lines 34-67; column 29, lines 31-56; column 30, lines 51-58; column 44, lines 22-34; column 45, lines 40-50; column 49, lines 19-43).

Neither Davis nor Srivastava disclose identifying known value drivers and non-relevant attributes. However, Bielinski discloses disclose identifying known value drivers and non-relevant attributes (page 1, paragraph 2; page 2, paragraphs 1 and 8; page 3, paragraphs 102; paragraph 4, paragraph 1; page 5, paragraphs 3-4). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the use of identifying data schema such as components of value and sub components of value as disclosed by the combination of Davis and Srivastava to adapt the identifying of data schema such as value drivers as disclosed by Bielinski. The motivation would be that all of the data identifiers described by Davis and Bielinski are useful for making

evaluations of companies and when financial data is received from multiple external sources as disclosed by Davis, it would be obvious to use the data in order to provide meaningful statistics and data for reviewers and decision makers, where the received data would need to be identified for storage and manipulation.

### ***Response to Arguments***

Examiner acknowledges the submitted Affidavits and remarks made with regards to the concepts which the applicant considers to be novel within the present application. Examiner notes that the application is examined with respect to the merits of the claims.

With regards to the 101 rejection arguments, applicant states that the amendments as presented obviate the 101 rejections "by making the transformation of data representative of a physical object into a different state or thing more apparent" and that the output has been made more clear. However, as noted in the rejection above and for the purposes of additional clarification, examiner has provided the case law by which the transformation of underlying subject matter (such as an article or materials) to a different state or thing is defined. In the present application, data is being received and stored in a database for processing. As such, there is no transformation of a subject matter (such as an article or materials). Additionally, applicant notes that the output of the present application has made clearer with the present amendments. However, the claims are rejected under 112 1<sup>st</sup> and 2<sup>nd</sup> paragraphs as the claim limitation represents new matter as it is not described in the specification and it is further unclear how a database is outputted.



With regards to the 102 rejections, applicant argues that Davis fails to disclose:

1) data integration. However, as detailed in the Office Action above, examiner finds that Davis teaches data integration. Davis teaches that data is received from a plurality of external sources, where it is then formatted in order to be integrated into a database and used for processing and generating useful outputs for users. The receiving of data from multiple sources, in multiple formats, and storing the data in a common format in an integrated database is both taught by Davis and old and well known to one of ordinary skill in the art.

2) metadata mapping. However, as detailed in the Office Action above, examiner finds that Davis teaches metadata mapping. Davis discloses that as data is received from multiple sources, it is stored in a database and that the metadata mapping provides a structure by which the data is stored and then used for processing and generating useful results for users.

3) outputting an integrated database. Based on the 112 1<sup>st</sup> and 2<sup>nd</sup> rejections set forth above, examiner first notes that the limitation represents new matter and second that it is indefinite as examiner is uncertain as to the step of outputting a database. For purposes of examination with regards to this new limitation, examiner has interpreted to mean outputting data, which is reflected in the rejection above as Davis discloses the outputting of data in various forms and structures.

With regards to the 103 rejections, applicant argues:

1) the combination of Davis, Bielinski and Ray documents fails to establish a prima facie case of obviousness. However, examiner asserts that the combination of references is proper and that a prima facie case of obviousness has been established based on the limitations as presented in the claims. Each claim limitation has been addressed, as has the motivation by which the references have been combined. Examiner finds that each reference has been properly set forth in addressing the claim limitations, and further that the motivation to combine the references as presented is proper in establishing obviousness.

In response to Applicant's argument that it would not have been obvious to modify the cited prior art reference(s) to create the claimed invention, the Courts have stated that "[w]hen a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, §103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill." *KSR Int'l Co. v. Teleflex, Inc.* 127 S. Ct. 1727, 1740, 92 USPQ2d 1385, 1396 (2007).

In the instant case, the cited prior art references were available in the field at the time of the purported invention. The Applicant merely implemented a predictable variation of these existing methods in establishing his/her own invention. Such

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predicatability is based upon the fact that each incorporated method performs the same function and provides the same utility as originally intended in their pre-combination state.

2) the combination of documents fails to teach or suggest one or more limitation for every claim. The application is examined based on the merits of the claims and the limitations contained therein. As there have been no specific shortcomings in addressing the claim limitations in the 103 remarks section, examiner is unable to speak to any particular concerns. However, as noted above, the examiner contends that each limitation has been addressed by a proper reference and through proper combinations.

3) the combination of documents teach away from the claimed invention. Examiner does not find any instances where the prior art cited teaches away from the claims as presented in the present application. It is stated that “the prior art’s mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed....” In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). >See also MPEP §2123.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached at 571-272-6702. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jennifer Liversedge/  
Examiner, Art Unit 3692

/Kambiz Abdi/  
Supervisory Patent Examiner, Art Unit 3692